



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,967	07/06/2005	Kam Chiu Pang	59410.06US1	2013
25541 7590 05/22/2008 NEAL, GERBER, & EISENBERG SUITE 2200 2 NORTH LASALLE STREET CHICAGO, IL 60602				
EXAMINER CARLOS, ALVIN LEABRES				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/501,967

## Applicant(s)

PANG, KAM CHIU

## Examiner

ALVIN L. CARLOS

## Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a Final Office action in response to communications received March 18, 2008. Claims 1-5 was canceled. Claims 6-15 have been amended. Claims 6-15 are now pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ryan 3225489.

Re claim 6, Ryan teaches an apparatus for haircut teaching comprising a head form 10, a first fixing part embedded in the head form (column 2 line 4), a hair wig 12 comprising a periphery and including a second fixing part extending from the periphery, wherein the second fixing part may be inserted into the first fixing part to form a hairline and secure the hair wig to the head form (see figures 1-3, column 2 lines 1-15), and a support disposed at a bottom end of the head form (Figures 2-3).

Re claim 7, the first fixing part comprising a concave groove (column 2 lines 52-58, see figures 1-3).

Re claim 8, the second fixing part comprising a convex ridge (column 2 lines 21-30, see figures 1-3).

Re claim 9, the first fixing part comprising a first plurality of snap fasteners (column 2 lines 46-52, see figures 1-3).

Re claim 10, the second fixing part comprising a second plurality of snap fasteners (column 2 lines 23-26, see figures 1-3).

Re claim 11, the first plurality of snap fasteners corresponds to the second plurality of snap fasteners (column 3 lines 1-3, see figures 1-3).

Re claim 12, the first fixing part comprising a first piece of agraffe (column 3 lines 5-9, see figures 1-3).

Re claim 13, the second fixing part comprising a second piece of agraffe (column 3 lines 9-14, see figures 1-3).

Re claim 14, the first piece of agraffe corresponds to the second piece of agraffe (column 3 lines 9-14, see figures 1-3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan 3225489 in view of Passage 5252074. Ryan teaches the claimed limitation as discussed above.

However, Ryan fails to teach the following limitation as taught by Passage: the head form is made of poly vinyl chloride (column 2 lines 26-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ryan's invention in view of Passage in order to provide a real, three-dimensional visual training aid which gives instructors an easy and dramatic way to teach students the structure or length arrangement of a hair cut as taught by Passage (column 1 lines 58-61).

### ***Response to Arguments***

6. Applicant's arguments filed March 18, 2008 have been fully considered but they are not persuasive.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a first fixing part embedded in the head form, the second fixing part may be inserted into the first fixing part to form a hairline and secure the hair wig to the head form") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

**See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).**

8. In response to applicant's argument that the references fail to show certain features of applicant's invention. The Examiner disagrees. Ryan positively teaches an apparatus for haircut teaching comprising a head form 10, a first fixing part embedded in the head form (see figures 1-3, column 2 line 4), a hair wig 12 comprising a periphery and including a second fixing part extending from the periphery (see figures 1-3), the

Art Unit: 3714

second fixing part may be inserted into the first fixing part to form a hairline and secure the hair wig to the head form (see figures 1-3, column 2 lines 1-15), and a support disposed at a bottom end of the head form (Figures 2-3).

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. **See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re***

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. **See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).**

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3714

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin L Carlos/  
Examiner, Art Unit 3714  
May 20, 2008

Application/Control Number: 10/501,967

Page 7

Art Unit: 3714

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714